Collection No.

19 32.

P 35

26/6/47 Mad 26/6

Mysore Residency

Bangalore.

Pros. Serial Nos. 1-5

Subject.

Rules relating to the employment and payment of the Public Prosecutor and Government Pleader in the Civil and Military Station, Bangalore.

Previous References.

F. No 55 of 1886

F. No 36 of 1932

Later References.

S. 97.—(Blue).

MFP—168S&P—(M-184)—11-8-34—60,000.

NOTES AND PRECIS.

S.N. 1. Letter No. 2135-A-32, dated the 26th April, 1932, from the Collector and District Magistrate, Civil and Military --- Station, Bangalore.

S.N. 2. Letter No. T-13-Bang. 594, dated the 28th April, 1932, from the Accountant-General, Madras .

P. Cl. A II

S. N. 1/A. 1
178-32.
P. Cl. G I

In his objection statement No. A.B.K/2 Bang. T.13, dated the 21st April, 1932, the Accountant-General, Madras, held under objection Rs. 15/- out of Rs. 150/- being the retaining fee drawn by the Public Prosecutor and Government Pleader during December, 1931, January and February, 1932, as the retaining fee is also subject to the 10% cut. The Collector and District Magistrate forwards a copy of the above objection statement and asks whether the cut is in accordance with the Government of India, Finance Department's letter No. 5253-R.T. dated the 18th December, 1931.

S. IV. 5/a
692-1931.
Secy (K)

In the above letter it is laid down as follows:-

"In view of the present financial conditions which have --- necessitated a general cut in pay, the Government of India have decided that a cut of 10 per cent should be imposed in the case of recurring honoraria for so long as the cut in pay continues and that competent authorities should be requested to take into account the present financial conditions in ----- fixing the amounts of non-recurring honoraria. "

It appears that the retaining fee of Rs. 50/- per mensem paid to the Public Prosecutor and Government Pleader should be treated as recurring honoraria and the cut should be applied

S. N. 1
P. Cl. G I

In para 2 of P.U.C. I, the Collector and District ---- Magistrate states that he pays the Public Prosecutor a non-recurring fee of Rs. 35/- per day for appearing in Criminal appeals and sessions cases. He wants to know whether this requires any change in the light of the Government of India' letter referred to above.

4

S. N. 2.
P. Cl. G II

In P.U.C. II the Accountant-General, Madras also as

whet'

whether in view of the present financial conditions, the ---- Hon'ble the Resident considers the necessity for revising the scale of the non-recurring honoraria paid to Public Prosecutor in accordance with the suggestion contained in the Government of India, Finance Department's letter No. 5253. R.I. dated the 18th December, 1931.

S.N. 5/a/ 692-31.

Before passing orders on both the questions, the ------ Government of Madras, may, if approved, be consulted in the matter. Draft letter is submitted for approval.

T. N. Thangavelu Mudaliar. 18-5-1932. (From para 1)

Secretary.

S.N.2 Issued No,3574 dated the 27th April,1932.

S.N. 4. Letter No. 2721-B-1., dated the 6th June, 1932, from the Secretary to the Government of Madras, Law (General) ----- Department.

Please see S.N. 1 to 3 and the notes in paras 1 to 5. The Government of Madras state that the monthly retainer of all Law Officers of Government in the Madras City and the mufassal has been reduced temporarily by ten per cent subject to the same terms and conditions and for the same period as are operative in the case of Government servants. Therefore the retaining fee of Rs. 50/- per mensem paid to Government Pleader here may be reduced temporarily by 10 per cent.

The Government of Madras state that apart from this no other reduction has been made in the fees payable to them. Please see para 11 of the Madras Government Order No. 3470, dated the 12th September, 1931, relating to the duties and remuneration

remuneration of the Law Officers of Government in the mufassal in which the same fee as in Bangalore has been fixed for the Public Prosecutor. It appears therefore that there is no necessity to revise the scale here at present.

If approved the District Magistrate may be asked to take into account the present financial conditions in fixing the non-recurring fee to the Public Prosecutor under the orders contained in the Resident's proceedings No. 1116, dated the 7th February, 1923. This will enable the District Magistrate to fix any fee less than Rs. 35 per day according to the --- nature of the case.

Draft reply to the District Magistrate, together with an endorsement to the Accountant-General, Madras, is submitted for approval.

(From para 6)

T. N. Thangavelu
Muhalias.
17-6-1932.

Secretary.

17/6

Resident 18/6

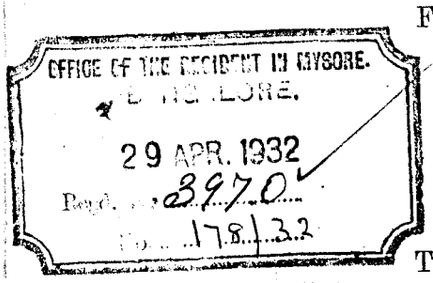
S.N.5 Issued No,4123 dated the 23rd June,1932.

CORRESPONDENCE.

No. 2135-A-32. Enc.1

Office of the Collector,
Civil and Military Station, Bangalore.

Dated 26th April 1932.



FROM

G. H. Cooke Esquire, M.C., I.C.S.,
COLLECTOR, CIVIL AND MILITARY STATION,
& Dt. Magistrate,
BANGALORE.

To

The Secretary to the Resident in Mysore,
BANGALORE.

SIR,

10% cut in pay etc. - Retaining fee etc. payable to the P.P. & Government Pleader.

I enclose a copy of objection No.A B K/2 Bang T 13 dated 21-4-32 from the Accountant General, Madras, and request you kindly to let me know whether the cut is in accordance with the Government of India's letter No.5253-R-1 dated 18-12-31 copy of which was communicated with your endorsement No.416/692 of 1931 dated 19-1-32.

S.N. 5(a)+6
692/31

I pay the Public Prosecutor a non-recurring fee of Rs.35/- per day for appearing in Criminal appeals and Sessions cases. Kindly let me know whether this requires any change in the light of the Government of India's letter, referred to in para 1.

I have the honour to be,
Sir,
Your most obedient servant,

COLLECTOR & DT. MAGISTRATE.

To be returned in Original within a fortnight of its receipt with reply noted in the Right-hand column.

No.A B K/2 Bang. T 13

Office of the Accountant General,
Madras. 21st April 1932.

From

The Accountant General, Madras.

To

The District Magistrate, Civil & Military Station, Bangalore.

The item noted below is held under objection for the reasons stated against it. The information asked for should be supplied, the defect removed or a full explanation furnished with an intimation of the action taken.

Checked

Entered in Objection Book, Page

SD. R. Srirangarajan

Asst. Accountant General.

Auditor.

No. of item.	No. and date of voucher& description of charge.	Amount under objection	Particulars of objection	Reply No. Date
1/A1	76 e of Jan.32. 81 e of Feb.32 75 e of March 32 On account of retaining fees to Public Prosecutor and Govt. Pleader for December 31 and January & Feby 1932.	15-0-0 15-0-0	Amount paid for December 1931 & January & February 1932 = Rs.150/- -do- admitted = Rs.135/- Rs. 15/- As the retaining fee is subject to the 10% cut, the amount over-paid should be re-covered.	"Copy" 27.4 Sheristadar AA 27.4.32

No.T.13-Bang.594. OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS.

Fort St. George, 28th April *1932.*

Enclosures.

FROM

THE ACCOUNTANT-GENERAL,
(T. A. 13 Bang.Section),
MADRAS,

OFFICE OF THE RESIDENT IN MYSORE,
BANGALORE.
30 APR. 1932
Regn. No. 4053
File No. To. 178/32

The Secretary to the Hon'ble the Resident,
in Mysore, Bangalore.

SIR,

I have the honour to invite a reference to your Proceedings No.1116, dated 7-2-1923 sanctioning the maximum rate of Rs.35/- as fees for each case for the Government Pleader appearing in criminal cases, and request to be informed whether in view of the present financial conditions, the Hon'ble the Resident considers the necessity for revising the scale of the non-recurring honoraria, in accordance with the suggestion contained in Government of India Finance Department letter No.5253 R.I dated 18th December 1931.

I have the honour to be,
Sir,
Your obedient servant,

R.Srirangarajan
Assistant Accounts Officer.

R.V.

DEPARTMENT.

BRANCH.

File No: 178/1932

Serial No:

Draft Letter / Memorandum / Telegram

No. 3574 Dated 27th May 1932.

Ce 1

Class for telegrams — Ordinary / Express / Urgent* / Priority / Clear Line† — *Only for Foreign Telegrams. †Not for Foreign Telegrams.

To be issued on	Issued on
1st Reminder	
2nd Reminder	
3rd Reminder	

Heading:

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(~~Code word for telegrams.~~)

S. N. 5/a.
692-1931

To

The Secretary to the Government
of Madras, Law (General) Deptt.

Subject:- 10% cut-Retaining fees paid to Public Prosecutors and Government ------- Pleaders.

Sir,

I am directed to request that you will be so good as to inform me whether the retaining fees now paid to Government Pleaders and Public Prosecutors in the Madras Presidency are subject to the temporary cut of 10%.

2. I am to enclose a copy of a ---- letter No. 5253-R.I., dated the 18th ---- December, 1931, from the Government of India in the Finance Department, and to enquire whether any reduction in the ----- scale of fees fixed for the Public ------ Prosecutors and Government Pleaders has since been made by the Government of ----- Madras. If so a copy of the revised ---- order may kindly be sent to this -------- Residency for reference.

I have etc.,

Secretary to the Resident.

S. 5.
MG(PC—S1—325 (CPS) DCF—(G-1432)—24-4-31—50,000 Pads.

T. N. Thangavelu Mudaliar.
18-5-1932

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
8 JUNE 1932
Regd. No. 5193
File No.

Law (General) Department.

No. 2721 B-1

From

M.R.Ry. Rao Bahadur V.N. Viswanatha Rao Avl., M.A., B.L.,
Secretary to the Government of Madras.

To

The Hon'ble the Resident in Mysore.

Dated Fort St. George, the 6th June 1932.

Sir,

Government Pleaders and Public Prosecutors - Fees - Reduction - Captain G. Kirkbride's letter No. 3574-178/1932, dated the 27th May 1932.

I am directed to say that the monthly retainer of all Law Officers of Government in the City and the mufassal has been reduced temporarily by ten per cent subject to the same terms and conditions and for the same period as are operative in the case of Government servants under G.O. No. 766, Finance (Retrenchment), dated 14th December 1931 (copy enclosed). Apart from this, no other reduction has been made in the fees payable to them.

2. Copies of G.Os No. 3470, Law (General), dated 12th September 1931 and No. 4100, Law (General), dated 6th November 1931 relating to the duties and remuneration of the law officers of Government in the mufassal and in the City of Madras are also enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

B.R. Ayyar

For Secretary to Government.

MVP

Government of Madras

FINANCE (RETRENCHMENT) DEPARTMENT.

G.O. No. 766, 14th December 1931

Retrenchment—Emergency cut in salaries of Government servants—Orders issued.

Order—No. 766, Finance (Retrenchment), dated 14th December 1931.

In pursuance of the decision announced by the Hon'ble the Finance Member of the Government of India in the Legislative Assembly on September 29th, an Act has now been passed by Parliament authorizing the Secretary of State to make a reduction, for a limited period and not exceeding 10 per cent, in the pay and leave pay of all members of the All-India Services whose pay is protected by the terms of the Government of India Act. In addition, the Secretary of State in Council has issued rules to the same effect with regard to all other members of those services in regard to whom rule-making powers are reserved to the Secretary of State in Council, although their pay is not protected by the provisions of the Government of India Act. Copies of the Act and the rules will be published in due course. In the meanwhile the Local Government have been authorized to announce that a 10 per cent cut will be levied on the pay and leave pay of all officers of the All-India Services under the administrative control of the Government of Madras and will take effect on pay and leave pay earned or enjoyed with effect from December 1st, 1931, and until further orders.

2. In the press communiqué which is attached to this order the Government of Madras have explained at length the reasons that have led them to decide that a similar temporary cut must be imposed on the pay and leave pay of the Provincial and Subordinate Services under their administrative control. The press communiqué contains details of the cut itself and the exemptions from it and also explains the present intentions of the Government of Madras regarding its duration.

3. For the purposes of this order

(1) Pay may be taken to mean

(i) for Government servants governed by the Civil Service Regulations —all pay as defined in articles 38 (*a*) and (*c*) and 23-A and C of the Civil Service Regulations ;

(ii) for Government servants governed by the Fundamental Rules— all pay as defined in Fundamental Rule 9 (21) (*a*).

(2) Leave pay may be taken to mean

(i) for Government servants governed by the Civil Service Regulations—

(*a*) Privilege leave pay,

(*b*) Furlough pay on leave allowances equal to full average salary ;

(ii) for Government servants governed by the Fundamental Rules— Leave salary on average pay.

The leave salary will be calculated on the pay which would have been earned had no cut been made and 10 per cent will then be deducted.

Where overseas pay is drawn in sterling in England, it will continue to be paid at its present level, but a cut of 10 per cent on the overseas pay converted into rupees at 1/6 to the rupee will be added to the cut on basic pay.

4. The cut will not affect pensionary or Provident Fund rights. Pensions will continue to be calculated on the pay or leave pay that would have been earned had the cut not been made and the Government will continue to make contributions to Provident Funds on the same principle. Subscribers to Provident Funds will have the option of subscribing

(*a*) on their pay or leave pay without deduction; or

(*b*) on the balance of their pay or leave pay after the cut has been deducted ;

and, where the right exists at present, they will continue to be allowed to subscribe the maximum either on their cut or uncut pay or leave pay. The

deductions made by individual officers on their pay or leave pay bills will be accepted, without further intimation as constituting their exercise of the above options. Where the amount of any payment or instalment of payment due by a Government servant to Government is required to be calculated on the amount of his pay or leave pay, the calculation shall be made on his reduced pay or leave pay as the case may be.

5. The surcharges on income-tax and the new tax on salaries of between Rs. 1,000 and Rs. 2,000 a year imposed by the Supplementary Finance Act, 1931, will not be levied on any pay or leave pay that is reduced under these orders.

6. Pay and leave pay bills should be drawn in the following form :—

(1)	Pay, rupee overseas pay, special pay, etc. at present rates	= A
(2)	Sterling overseas pay at present rates calculated at 1/6 to the rupee	= B
(3)	Ten per cent on A + B	= C
(4)	Gross amount of bill (A — C)	= D
(5)	Fund and other deductions on D + B (or on A + B according to the option exercised by the officer) ..	= E
(6)	Recoveries of advances, etc.	= F
(7)	Income-tax at rates imposed by the Finance Act of March 1931 on D — E (according to the existing rules) *minus* payments to Insurance Companies	= G
(8)	Net amount of bill (D — E — F — G)	= H

7. So far as the cut on the pay of the Provincial and Subordinate Services is concerned, the following further instructions are necessary :—

(1) The pay of no member of the Police force whose pay is above Rs. 200 will be reduced to a figure below Rs. 200, i.e., the salary of a Police officer on Rs. 210 will be reduced by Rs. 10 and not by Rs. 21.

(2) The cut on salaries between Rs. 50 and Rs. 40 will be shaded as follows :—

> For salaries of Rs. 50, the full 10 per cent cut of Rs. 5 will be operative. From any salary exceeding Rs. 40 and less than Rs. 50 the deduction will be one-half of the difference between the sum otherwise due and Rs. 40. Thus salaries of Rs. 49 will be cut Rs. 4–8–0, those of Rs. 48 will be cut Rs. 4, and so on. Rs. 42 will be cut by 1 rupee, Rs. 41 by 8 annas, Rs. 40 and below will be untouched.

(3) If in any case the pay of a post has already been reduced in pursuance of the present retrenchment campaign by an amount exceeding 10 per cent, the cut now imposed will not be levied ; and if the pay of any post has been reduced in similar circumstances by less than 10 per cent, the cut now imposed will be limited so as to secure an aggregate cut of 10 per cent ; for example, if the pay of the post has already been reduced as a measure of retrenchment by 6 per cent the cut now imposed will be limited to 4 per cent of the pay as unreduced.

8. The rules issued by the Secretary of State authorizing Governments in India to impose a cut on the pay and leave salary of the Government servants under their administrative control will be published separately.

9. The statutory rules required to be issued by this Government under the powers conferred on them by the rules referred to in paragraph 8 above will also be issued separately.

(By order of the Governor in Council)

G. R. F. TOTTENHAM,
Retrenchment Secretary.

To the departments of Secretariat.
„ all heads of departments.
„ all Collectors and District Judges.
„ the Accountant-General.

[Annexure.

ANNEXURE.

GOVERNMENT OF MADRAS.

FINANCE (RETRENCHMENT) DEPARTMENT.

PRESS COMMUNIQUÉ

DATED FORT ST. GEORGE, THE 14TH DECEMBER 1931.

Statement of the financial position and emergency cut in pay of Government Servants.

As the public are aware, the Government have been engaged since the beginning of the current financial year in examining their expenditure with a view to effecting all legitimate economies that can be devised to meet the unparalleled situation that has arisen owing to the economic depression that is affecting the whole world. The regulation of their finances during the past few years and the fact that in times of greater prosperity they were able to accumulate considerable balances have placed the Madras Government in a rather more favourable position to meet the crisis than may be the case in certain other parts of India. Indeed the budget of the current year was framed in the expectation that, in spite of some anticipated decrease in revenue, and a slight increase of expenditure, entailing a net excess of expenditure over revenue of about Rs. 10 lakhs, the year would end with a closing balance of Rs. 200 lakhs. The actual figures of the revenue of last year, however, which disclose a considerable drop compared even with the revised estimate of that year, combined with a very serious deterioration in the revenues of the current year as compared with the budget estimate, have entirely altered the situation. Excluding the transactions relating to the administration of the Motor Vehicles Taxation Act, 1931, the drop in revenue during the current year alone, when compared with the figures entered in the budget, amounts to about Rs. 123 lakhs according to the latest forecast, and if expenditure had not been reduced concurrently the actual gap between revenue and expenditure during the year would have amounted to about Rs. 133 lakhs. By far the greatest deterioration is that anticipated under the heading of Excise, where the fall is estimated at nearly Rs. 93 lakhs; but almost all sources of revenue are likely to suffer to some extent. Although there may have been other minor contributory causes, so far at any rate as the Excise revenue is concerned, there can be no doubt that the result is mainly due to world causes from which no Government at the present moment can hope to escape.

2. The efforts at retrenchment pursued by this Government have followed two parallel lines. On the one hand the Retrenchment Committee appointed last March with the assistance of the Special Retrenchment Officer have been examining in detail all items in the expenditure of the various departments and of the Government as a whole, with a view mainly to reducing recurring expenditure in future years to the level of the revenues expected to be secured. At their first meeting they set before themselves the figure of Rs. 120 lakhs as the extent of recurring savings to be aimed at, and their recommendations up to date, which may be taken as covering about two-thirds the total ground, are calculated to secure recurring savings of about Rs. 90 lakhs in a full year. The Government take this opportunity to record their appreciation of the care and assiduity which the Retrenchment Committee have devoted to their task, and have no doubt that their examination of the whole matter will, when complete, constitute a most valuable and helpful review of this complicated subject.

3. On the other hand the need for immediate savings to reduce the gap between revenue and expenditure during the current year made it necessary for all departments of Government to examine their own expenditure independently and suggest such savings as were possible without undue loss of efficiency. Savings have been secured during the last four or five months which, including the partial effect during the current year of those recommendations of the Retrenchment Committee which have been given effect to by Government and also combined with further savings actually in sight, amount to roughly Rs. 100 lakhs. It is possible, however, that the full amount may not be realized owing to unavoidable excess expenditure anticipated under certain heads, which may amount to about Rs. 6 lakhs. The net saving of about Rs. 94 lakhs represents about 6 per cent of that portion of the total expenditure which is capable of reduction (i.e., excluding such items as pensions and debt charges); and when it is remembered that this percentage has been secured on roughly half of a full year's expenditure and that it does not take into account any reduction on salaries, it may justly be claimed that the effort represents no mean achievement. The thanks of the Government are due to those heads of departments who have co-operated with them in securing this result, often at considerable sacrifice to the progress of schemes that, in more favourable circumstances, both they and the Government would have been anxious to pursue to their full development.

4. In spite of the above efforts, the latest calculations show that there will still be a gap of some Rs. 39 lakhs between the revenue and expenditure of the current year, while even assuming that all the administrative economies that have been secured this year will be repeated next year and that the further efforts of the Retrenchment Committee will produce some increase in the total of recurring savings, the revenue deficit at the end of next year will still be in the neighbourhood of Rs. 33 lakhs. If equilibrium between revenue and expenditure is to be maintained, and if the working balance which the Government considers it advisable to preserve is not to be seriously depleted, the need for further economy is evident.

5. Apart from the imposition of new taxation—a matter in which the field open to Local Government is limited—the only further possibility of securing the necessary savings is by making an emergency cut in salaries. In the statement made by the Hon'ble the Finance Member in the Legislative Assembly on 29th September, it was announced that the Government of India proposed to make a cut not exceeding 10 per cent in any individual case in the pay of officers under their control or under the control of the Secretary of State, and that this cut should include the new surcharges on income-tax and super-tax and also the tax proposed on salaries between Rs. 2,000 and Rs. 1,000 per annum. The salaries of the members of the All-India Services serving under the Government of Madras will be subject to this cut; but the cost of their salaries—i.e., the salaries of the Indian Civil Service, the Indian Police Service, the Indian Forest Service, the Indian Educational Service, the Indian Agricultural Service, the Indian Veterinary Service, and the Indian Service of Engineers—represents only about one-eighth of the total pay bill of the Presidency and the cut will not produce much more than Rs. 8 lakhs in a full year.

6. As already announced, His Excellency the Governor and the Hon'ble Members of Council and Ministers have agreed to a voluntary surrender of 10 per cent of their salaries. The Hon'ble the Chief Justice and the Judges of the Madras High Court have also agreed to a similar voluntary surrender.

7. The salaries of the Provincial and Subordinate Services account for some Rs. 600 lakhs; and in conformity with the action which is being taken with the approval of the Secretary of State in all other parts of India, the Government of Madras have come to the conclusion, after the most careful consideration, that the need for uniformity and the present condition of their own finances make it necessary to impose a similar cut on these salaries also. They therefore now announce their decisions, which are as follows:—

(1) Subject to the conditions and exemptions specified below, there will be a uniform cut of 10 per cent in the pay of Government servants under the control of the Government of Madras.

(2) The cut will come into operation from the same date as that imposed on the All-India Services, namely, on the pay and leave pay earned with effect from 1st December 1931.

(3) The new income and super-tax surcharges of 25 per cent and also the new tax on salaries from Rs. 1,000 to Rs. 2,000 per annum will merge in the cut and the savings will accrue to the Government of Madras.

(4) The cut will not be imposed on any salary of less than Rs. 40 per mensem and will not operate to reduce below Rs. 40 any salary now in excess of that amount.

(5) The cut will not be imposed on any member of the District or Presidency Police forces whose pay or leave pay is less than Rs. 200 per mensem, and will not operate to reduce below Rs. 200 any salary now in excess of that amount.

(6) The cut will not affect pensionary or Provident Fund rights.

(7) The cut will be made on leave salary when the leave is on full or average pay, but not when the leave is on half average pay.

(8) In conformity with the announcement made by the Finance Member of the Government of India regarding the duration of the cut, these measures will be of a temporary nature not extending beyond the needs of the present exceptional emergency and will be removed as a first measure of relief as soon as financial conditions improve. There is no present intention that the cut should remain in operation after 31st March, 1933.

8. It is calculated that the financial effect of all the cuts mentioned above will be a saving of about Rs. 39 lakhs in a full year. Salaries below Rs. 40, which will not be affected, amount to about Rs. 250 lakhs, or about 36 per cent of the total pay bill of the province. The effect of the cut, if it remains in full force until March, 1933, will, on the present calculations, reduce the revenue deficit of the current year to about Rs. 28 lakhs and possibly leave a small surplus of revenue over expenditure at the end of the next financial year. This anticipation depends, however, on a number of factors which are naturally incapable of exact calculation; and the fact will remain that, when the cut is removed, it will become necessary for Government, if equilibrium is to be maintained, to find recurring economies of about Rs. 40 lakhs to take its place. The revision of salaries of future entrants to the various services (a matter which is now under consideration) may in course of time produce large recurring economies, but several years must elapse before the full results of such a step can be realized, and in the meanwhile other measures must be adopted. The Government, therefore, have no intention of relaxing their efforts, but will pursue the present campaign of retrenchment with the object of placing the finances of the Presidency on a sound basis and thus securing the most favourable conditions possible for the constitutional developments of the future.

G. R. F. TOTTENHAM,
Retrenchment Secretary.

Government of Madras

LAW (GENERAL) DEPARTMENT

G.O. No. 3470, 12th September 1931

Law Officers—Mufassal—Précis of Standing Orders—Reissued.

READ—the following paper :—

G.O. No. 450, Law, dated 1st March 1921.

Order—No. 3470, Law (General), dated 12th September 1931.

The précis of Standing Orders relating to the duties and remuneration of the Law Officers of Government in the mufassal brought up to date is printed as annexure to these proceedings and communicated to the Departments of the Secretariat and the officers concerned for information and guidance.

(By order of the Governor in Council)

V. N. VISWANATHA RAO,
Secretary to Government.

To all Departments of the Secretariat.
" the Hon'ble Chief Justice (with C L.).
" all Heads of Departments including District Magistrates and Sessions Judges.
" the Accountant-General.
" all Government Pleaders and Public Prosecutors in the mufassal.
" the General Officer Commanding-in-Chief, Southern Command, Poona (with C.L.).
" the General Officer Commanding, Madras District (with C.L.).

ANNEXURE.

Orders relating to Law Officers in the Mufassal, and to Legal Proceedings instituted by or against Public Servants.

Part I.—District Government Pleaders and Public Prosecutors.

GOVERNMENT PLEADERS.

A Government Pleader is usually appointed for each Sessions division. The Government Pleader is also usually appointed Public Prosecutor under section 492 of the Criminal Procedure Code. Appointments are made by Government on the nomination of the District Magistrate in consultation with the Sessions Judge and are for a term of three years, but the Government are not precluded from reconsidering an appointment, if they think fit, before the close of that period.

G.O. 1309, 18th May 1886.
G.O. 1487, 13th August 1892.

The Government may also appoint on the recommendation of a District Magistrate an Additional Public Prosecutor either for a whole district or in respect of cases coming before the Court of an Assistant Sessions Judge or an Additional Sessions Judge. Such appointments will last for the periods for which the courts are sanctioned or for a term of three years whichever is the shorter. But the Government are not precluded from reconsidering an appointment at any time if they think fit to do so.

G.O. 3121, Law (General), 7th November 1924.

2. The duties of the Government Pleader are to advise Government and their officers whenever required; to conduct all the miscellaneous legal business of the State; to receive processes as agent of the Government in civil suits against the Secretary of State; to appear for Government (unless instructed to the contrary) in all civil cases in which they are interested, whether in the district court or lower courts, including cases in which the Collector

G.O. 1309, 18th May 1886.
Code of Civil Procedure, O. XXVII, rules 4, 5 and 8.
G.O. 669, Educational, 17th October 1890.
Code of Civil Procedure, O. XXXIII, rule 9.
Section 63 of the Indian Lunacy Act, 1912.

appears as Agent to the Court of Wards; to appear, when so instructed, in suits filed by or against public officers; to protect the interests of Government in applications by parties to sue *in forma pauperis*; to apply for inquiry into lunacy of persons possessed of property in the mufassal; to appear on behalf of the Registrar of Joint Stock Companies when an appeal is preferred against his order under section 20 of the Provident Insurance Societies Act, 1912 (V of 1912), (in which case, the services of the Government Pleader should be obtained by the Registrar through the District Magistrate), and to appear, when directed by the Collector, on behalf of the Examiner of Local Fund Accounts in appeals preferred to courts under rule VI of the Surcharge and Disallowance Rules framed under section 199 (2) (b) of the Madras Local Boards Act, 1920.

G.O. 1268, Home (Judicial), 16th June 1917.
G.O. 1744, Home (Judicial), 22nd August 1917.
G.O. 671, Finance, 10th September 1929.

3. The Government Pleader shall not appear in any suit or appeal against the Government or the Court of Wards, or the Collector until he has ascertained from the Collector that his services as pleader on behalf of Government, or the Court of Wards, or the Collector are not required. When the Government Pleader has thus appeared against the Government, or the Court of Wards, or the Collector in an original suit, he may similarly appear in any connected appeal until the suit is finally decided. The Government Pleader is debarred from giving advice to private parties in cases in which he is likely to be called on to advise Government.

G.O. 962, 8th July 1903.
G.O. 2439, Law (General), 6th October 1922.

NOTE.—He himself will be the judge as to whether he can or cannot, under this rule, advise on a question of law any private party who applies to him.

In exceptional cases the Government Pleader will be allowed the assistance of a junior by Government on the Collector's recommendation.

G.O. 4640, Law (General), 3rd November 1930.

4. District Government Pleaders are not entitled to communicate with the Advocate-General on public litigation.

PUBLIC PROSECUTORS.

5. The duties of the Public Prosecutor are to conduct the prosecution in every trial before the Court of Session, and in other cases of such importance as to require professional aid; to receive notices of appeal to Sessions Court; to appear in appeals against convictions by first-class Magistrates; and generally to appear whenever so required by the District Magistrate.

Section 270, Cr.P.C.
Section 422, Cr.P.C.
G.O. 2899, 30th October 1883.
G.O. 1118, 14th May 1888.
G.O. 1527, 12th November 1909.

5-A. The Public Prosecutor shall conduct the case on behalf of Government in all enquiries held in the mufassal under the Merchant Shipping Act. The Presidency Port Officer will instruct the Public Prosecutor when marine courts of enquiry are assembled at mufassal stations.

G.O. 2367, Law (General), 4th June 1930.
G.O. 4640, Law, (General), 3rd November 1930.

6. A Public Prosecutor is not permitted to undertake the defence of any person in a criminal trial without first ascertaining whether the District Magistrate requires him to prosecute the case. Nor should he appear to support an appeal against a conviction in a case prosecuted by the Police without the permission of the District Magistrate or to oppose an appeal in any case in which he has acted as the appellant's pleader in the lower court.

G.O. 1646, 4th August 1888.
G.O. 1995, Law (General), 23rd November 1921.

Public Prosecutors are not permitted to accept any engagement or fee from private parties in cases in which they appear on behalf of Government.

G.O. 710, Judl. 15th April 1913.

In all grave cases in Magisterial Courts and in important sessions cases the Public Prosecutor should consult the District Magistrate before withdrawing from the prosecution of an accused. The Public Prosecutor is debarred from giving advice to private parties in cases in which he is likely to be called on to advise Government.

G.O. 1032, Judicial, 26th May 1913.
G.O. 2439, Law (General), 6th October 1922.

NOTE.—He himself will be the judge as to whether he can or cannot, under this rule, advise on a question of law any private party who applies to him.

FEES AND ALLOWANCES.

7. Government Pleaders and Public Prosecutors will receive a uniform retaining fee of Rs. 100 per mensem.

In districts where the offices of Government Pleader and Public Prosecutor are separate, the retaining fee will be Rs. 50 for a Government Pleader and Rs. 50 for a Public Prosecutor.

The Public Prosecutor of the Agency division will be allowed a retaining fee of Rs. 50 per mensem.

G.O. 3121, Law (General), 7th November 1924.

Additional Public Prosecutors will not receive a retaining fee.

Note.—The Government Pleader and Public Prosecutor, Coimbatore and Nilgiri districts, will not ordinarily be required to proceed to the Nilgiris on duty and the District Magistrate of the Nilgiris will arrange locally for the conduct of civil and criminal cases on the terms hitherto in force. In exceptional cases where the presence of the Government Pleader and Public Prosecutor in the Nilgiris is found necessary, the District Magistrate may make special arrangements with him, reporting the terms for the approval of the Government.

8. Government Pleaders and Public Prosecutors are allowed a permanent advance of Rs. 20 each. Collectors are authorized to increase the permanent advance held by Government Pleaders to Rs. 50 in consultation with the Accountant-General. Government Pleaders and Public Prosecutors will draw travelling allowance under rule 6 (b) of Annexure VIII of the Travelling Allowance Rules. They are not entitled to any daily allowance.

G.O. 2105, 15th October 1891.
G.O. 373, 15th February 1894.
G.O. 1629, 29th June 1894.
G.O. 3121, Law (General), dated 7th November 1924.
G.O. 4640, Law (General), dated 3rd November 1930.

9. In civil cases including those relating to execution petitions where Government is the decree-holder the Government Pleader is allowed the full regulation fees irrespective of the result. In exceptional cases higher or lower rates may be sanctioned by Government on the Collector's recommendation; and the maximum fees will not ordinarily be given for each of a number of connected cases when the result is virtually determined by the issue of a single case.

G.O. 2273, Judicial, 26th August 1886.
G.O. 1651, 11th October 1912.
G.O. 90, Judicial, 11th January 1916.
G.O. 4640, Law (General), 3rd November 1930.

Note (1).—In civil cases concerning the Revenue Department such special fees may be sanctioned by the Board on the Collector's recommendation and by the Collectors themselves in exceptional cases subject to the limits of Rs. 35 per diem and of Rs. 100 in each case.

G.O 1602, Judicial, 22nd June 1916.
G.O. 2394, Judicial, 21st October 1919.

(2).—When the Government Pleader, Madras, appears in a suit before a mufassal court, the local Government Pleader's responsibility is reduced and the Collector should not, therefore, sanction full regulation fee to the local Government Pleader except for special reasons. In no case should the local Government Pleader draw a higher fee than the Government Pleader, Madras, for the same work.

G.O. 409, Law (General), 5th February 1926.

10. In land acquisition proceedings conducted on behalf of a local authority or company, the fees should be paid to the Government Pleader through the Collector by the local authority or company concerned. Collectors should inform a local authority or company on whose behalf land is to be acquired that whether it exercises the right it possesses under section 50 (2) of the Act to appear in a court of reference or not, the Law officers of Government will be instructed to appear at its cost.

G.O. 747, 30th March 1914.
G.O. 715, Law (General), 4th March 1927.

11. The payment of fees to Public Prosecutors and Additional Public Prosecutors in criminal cases is governed by the following rules:—

(i) The District Magistrate is empowered to award fees to the Public Prosecutor or Additional Public Prosecutor for conducting criminal cases at headquarters. The maximum fee payable is Rs. 35 for each case which does not last for more than a day in the case of the Public Prosecutor and Rs. 20 in the case of the Additional Public Prosecutor. When a case lasts for more than one day, the maximum fee permissible is Rs. 35 or Rs. 20 for each day or part of a day during which the Public Prosecutor or Additional Public Prosecutor, as the case may be, has been engaged in court upon the case. The fee should be graduated with due regard to the merits of each case, the length of time taken in its disposal, the number of witnesses examined and its result. The District Magistrate should also refer, if possible, to a copy of the judgment in the case before sanctioning fees therefor.

G.O. 982, 3rd July 1901.
G.O. 3121, Law (General), 7th November 1924.

For conducting criminal cases in outlying stations Public Prosecutors and Additional Public Prosecutors will be allowed a fee of Rs. 50 and Rs. 35, respectively, for each day spent in court or occupied in travelling.

(ii) No fee is payable, as a general rule, for work done in examining the records or for services rendered out of court.

G.O. 373, 15th February 1894.
G.O. 889, 7th June 1898.

(iii) If a Public Prosecutor or Additional Public Prosecutor is required to leave his headquarters, he is granted, in addition to the travelling allowance admissible under rule 8 supra, daily fees within the prescribed limit for days of which so much has been spent in travelling as to render it impossible for him to appear in court in the discharge of his professional duties.

G.O. 373, 15th February 1894.
G.O. 3121, Law (General), 7th November 1924.

In special cases, the Government will be prepared to consider proposals for the payment of enhanced fees.

Fees will be paid for 'days occupied in travelling', only when the Public Prosecutor or the Addl. Public Prosecutor has to travel throughout the day-time or for such portion of it as can reasonably be said to have prevented the discharge of professional duties at the headquarters. Journeys of short duration or made during nights will not

GENERAL.

12. Legal advice shall always be obtained before a suit is instituted or the defence of a suit undertaken on behalf of Government. It is not necessary that such advice should be obtained merely because notice of suit against Government is given under section 80 of the Code of Civil Procedure, though in important cases it may be desirable for the officer dealing with the notice to obtain legal advice regarding it. Nor will officers who are competent to sanction the filing or defence of suits on behalf of Government be bound to follow the legal advice they may receive, though, if they decide to reject it, they must place the reasons for their decision clearly on record. Subject to these directions, it shall be the duty of every officer, before filing or sanctioning the defence of a suit or appeal, to obtain the opinion of the appropriate legal adviser as to whether the suit or appeal is legally maintainable. In the case of Collectors or other District officers, the local Government Pleader will be referred to and the fact of this having been done shall be included in any report to higher authority.

G.O. 19, Judicial, 2nd January 1906.
G.O. 957, Judicial, 14th June 1912.

13. The Government consider that the general position and duties of Public Prosecutors and Government Pleaders are set forth with sufficient clearness in the orders that have issued from time to time and that no useful object would be served by defining the precise degree of control that should be exercised over officers who, while they occupy a quasi-official position owing to the nature of their appointment, are not in the ordinary sense of the term subordinates to Collectors or District Magistrates. It follows that the letter form should be used in correspondence with these officers.

G.O. 1032, Judicial, 26th May 1913.

Part II.—Fees to private pleaders.

(*a*) CRIMINAL.

Fees to Pleaders other than Public Prosecutors appointed to conduct criminal prosecutions.—District Magistrates are empowered to sanction without reference to Government, fees at a rate not exceeding Rs. 35 per diem to pleaders other than Public Prosecutors appointed to conduct prosecutions under section 495 of the Code of Criminal Procedure, subject, however, to a limit of Rs. 300 in each case. Bills on account of such remuneration should be supported by a certificate in the following form :—

G.O. 79, 17th January 1911.
G.O. 544, 11th March 1915.

"I certify that it was most inconvenient in the public interests for the Public Prosecutor or the Prosecuting Police Inspector to attend at the hearing and that the case could not in regard to the public interests be postponed."

2. *Fees to Pleaders engaged to conduct the prosecution for offences under special and local laws.*—In cases in which pleaders are engaged to conduct the prosecution for offences under special and local laws, the Board of Revenue and Collectors have power to sanction the payment of fees at a rate not exceeding Rs. 35 per diem subject to the following limits :—

(i) Board of Revenue up to Rs. 350 in each case.

(ii) Collectors up to Rs. 100 in each case.

3. Pleaders other than Public Prosecutors appointed to conduct prosecutions under section 495 of the Code of Criminal Procedure will draw travelling allowance admissible under rule 6 (b) of Annexure VIII of the Travelling Allowance Rules. They are not entitled to any daily allowance.

G.O. 1497, 30th June 1915.

4. *Fees to Pleaders engaged to defend persons accused of capital offences.*—Sessions Judges are empowered to sanction without reference to Government fees at a rate not exceeding Rs. 35 per diem subject, however, to a limit of Rs. ~~300~~ in each case.

G.O. 428, 15th March 1912.
G.O. 544, 11th March 1915.

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(*b*) CIVIL.

5. The fees to pleaders in civil suits which, it is within the power of Collectors to sanction, is Rs. 35 a day subject to a maximum of Rs. 100

G.O. 1249, 3rd August 1911.

Part III.—Legal assistance to Government servants.

(*a*) CRIMINAL CASES.

When a public officer is prosecuted criminally for an offence alleged to have been committed in his official capacity, he may, if he is willing to bear the cost of his defence, make his own arrangements for legal assistance. If, however, he desires that the whole or any part of the cost of his defence shall be borne by the State, he shall observe the following procedure, namely :—

G.O. 1291, 27th September 1909.

A. Presidency town.—If the officer against whom the prosecution is instituted is serving in the Presidency town, he shall, before taking any steps which may commit the Government

to expenditure, report the facts (if necessary through the head of his office) to the head of his department and request the head of his department to move Government either to undertake the defence of the case on his behalf or to authorize him to engage legal assistance.

B. Mufassal.—If the officer against whom the prosecution is instituted is serving in the mufassal he shall similarly, before taking any steps which may commit Government to expenditure, report the facts (if necessary through the head of his office) to the District Magistrate and request the District Magistrate either to appoint a lawyer to undertake the defence of the case on his behalf or to authorize him to engage legal assistance.

NOTE.—In simple cases arising in the Police Department, departmental aid will suffice and the defence may, with the express sanction of the District Superintendent of Police, be undertaken by an Inspector other than the Prosecuting Inspector or another experienced Police officer. In such cases the District Superintendent of Police is empowered to grant travelling allowance to accused Government servants in the Police Department. The decision whether the travelling expenses will be borne by the State or recovered from the officer concerned will be postponed until the conclusion of the case and will in all cases rest with the Government.

G.O. 1712, Law (General), 14th April 1930.
G.O. 4640, Law (General), 3rd November 1930.
G.O. 766, Law (General), 23rd February 1931.

2. Upon the receipt of an application under rule 1, unless the matter is obviously a personal one or so simple that legal assistance is not necessary, the head of the department in the Presidency town shall report the matter to Government and in the mufassal the District Magistrate shall engage or authorize the engagement of legal assistance. If the District Magistrate authorizes the employment of counsel, he should lay down any conditions or restrictions he may think necessary as to the cost to be incurred in the defence. If in any case the accused officer is unable to pay the counsel's fees without hardship the District Magistrate may advance the necessary amount, subject to future decision and adjustment under rule 4.

3. Any accused officer who engages legal assistance without having first applied to the head of his department (in the Presidency town) or to the District Magistrate (in the mufassal) as provided in rule 1 will be held to have waived any claim he might otherwise have possessed to have the costs of his defence borne by the State.

4. When legal assistance is engaged with the permission of Government or with the permission of the District Magistrate, the question whether the whole or any part of the cost incurred should be borne by the State, will be determined by the Government after the termination of the case.

5. Where a public servant either in the Presidency town or in the mufassal desires legal assistance to conduct a prosecution either on his own behalf or on behalf of Government, he shall, before taking any step which will commit the Government to expense, apply through the head of his department, for the sanction of Government if he is stationed in the Presidency town or for the assistance of the District Magistrate if he is stationed in the mufassal. The provisions of rules 2, 3 and 4 shall apply to the case.

6. Nothing in rules 2 or 5 shall authorize an officer to sanction the defence or prosecution at the cost of the State of a case in which he is personally concerned. Should such circumstances occur, they must be reported to Government for orders.

7. Application for refund of pleader's fees or other cost incurred under competent sanction by a public servant in criminal proceedings instituted against or by him in his official capacity in the mufassal shall be submitted through the District Magistrate concerned.

G.O. 1264, 24th August 1910.

8. When District Magistrates employ or authorize the employment of counsel on behalf of public servants, the limit of daily fees laid down in rules 2 and 3 in part II should ordinarily be observed.

G.O. 79, 17th January 1911.

9. In all cases coming under the rules in this and in part II, the fees payable should be settled and approved in advance.

(*b*) CIVIL SUITS.

10. In the case of civil suits instituted by or against a Government servant in respect of acts done in his official capacity the previous sanction of the Government for the institution or defence, as the case may be, of the suit at public expense shall be obtained through the head of the department concerned. Where the power to sanction the institution or the defence of a suit has been delegated to the head of a department his previous sanction shall be similarly obtained.

G.O. 3517, Law (General), 21st November 1925.

11. Before submitting applications for the defence or the institution of suits for the orders of Government (or heads of departments in cases where they have been empowered in that behalf) the opinion of the appropriate legal adviser as to whether the suit can be depended or is legally maintainable as the case may be should be obtained and the fact of this having been done should be included in any report to the Government. The Local Government Pleader shall be consulted in regard to mufassal litigation and the Government Solicitor in regard to litigation in the Madras City. The sanction for the institution or the defence of the suits, if

G.O. 3517, Law (General), 21st November 1925.

granted, will ordinarily be provisional only and the decision whether the costs incurred should be borne by the State or recovered from the officer concerned, will be postponed until the conclusion of the litigation and will in all cases rest with the Government.

12. The question of defending, at the public expense, a Government servant sued in respect of acts done in his official capacity need not ordinarily be taken up until the suit has been actually filed.

G.O. 1390, 30th August 1912.

13. If a Government servant undertakes a journey in connexion with a civil or criminal case instituted against him for acts done in his official capacity and if the defence of such case has been provisionally sanctioned by the Government or the District Magistrate or the head of the department concerned, such Government servant may be granted travelling allowance admissible to an officer of his grade while on tour. The decision whether the travelling expenses will be borne by the State or recovered from the officer concerned will be postponed until the conclusion of the case and will in all cases rest with the Government.

G.O. 3152, Law (General), 21st September 1928.

Part IV.

General.

The following duties have been imposed on all Law officers of the Government by the Government of India :—

To transact Government business of all kinds and in all departments, whether such departments are under the Central Government or any of the Local Governments ; and to assist the High Court, when required by the Honourable the Chief Justice, in cases of special importance or difficulty, on occasions of inquiries made by the court into the conduct of legal practitioners.

Letter to India, 1817, Judicial, 7th September 1878.
G.O. 2710, Judicial, 7th October 1885.
G.O. 1035, Public, 13th August 1898.
G.O. 1741, Judicial, 23rd November 1900.
G.O. 2429, Home (Judicial), 31st October 1918.

2. In the case of Law officers other than the Advocate-General their services will terminate automatically, unless Government specially order otherwise, on the attainment of sixty years of age.

G.O. 1496, Judicial, 20th September 1912.

GOVERNMENT OF MADRAS

Received.....1932. Registered.....1932.

Abstract.

LAW OFFICERS - Mufassal - Precis of Standing Orders - Institution and defence at public expense of proceedings arising out of a Civil suit or Criminal case - Separate sanction to be obtained by Government servants - Amendments - Issued.

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LAW (GENERAL) DEPARTMENT

G. O. No. MS. 2184. Dated 1st June 1932.

O R D E R :-

The following amendments will be made to the precis of Standing Orders relating to the duties and remuneration of the law officers of Government in the mufassal issued with G.O.No.3470 Law (General), dated 12th September 1931, as subsequently amended.-

Amendments

1. Under rules xx 2 and 5 of Part III, the following note shall be inserted.-

"Note. Separate sanction should be obtained if legal assistance is required in respect of appeals or other proceedings arising out of the case."

2. Under rule 10 of Part III, the following note shall be inserted.-

"Note. The sanction given under this rule shall apply only to the institution or defence of a civil suit. Separate sanction should be obtained in regard to any further proceedings arising out of the suit, such as appeals, revision petitions, etc.

/By Order of the Governor in Council/

V.N.Viswanatha Rao,
Secretary to Government.

To all Heads of Departments (including District Magistrates and Sessions Judges).
To the Hon'ble the Chief Justice (with C.L.).
To the Accountant General.
To the Departments of the Secretariat.
To the General Officer Commanding in Chief, Southern Command, Poona, (with c.l)
To the Commander, Madras District, Bangalore (with c.l.).

Forwarded
/By Order/

K.N.Vasudevan
Superintendent.

s.r.i.1/vi.

Government of Madras

LAW (GENERAL) DEPARTMENT

G.O. No. 4100, 6th November 1931

Law Officers—City—Precis of Standing Orders—Re-issued bringing up the amendments up to date.

READ—the following paper :—

G.O. No. 2306, Law (General), dated the 19th September 1923.

Order—No. 4100, Law (General), dated 6th November 1931.

The *precis* of Standing Orders relating to the duties and remuneration of the Law Officers of Government in the City brought up to date is printed as annexure to these proceedings and communicated to the departments of the Secretariat and the officers concerned for information and guidance.

(By order of the Governor in Council)

V. N. VISWANATHA RAO,
Secretary to Government.

To all departments of the Secretariat.
" the Hon'ble Chief Justice (with C.L.).
" all heads of departments including District Magistrates and Sessions Judges.
" the Accountant-General.
" the General Officer Commanding-in-Chief, Southern Command, Poona (with C.L.).
" the General Officer Commanding, Madras District (with C.L.).
" all Law Officers of Government in the City.

ANNEXURE

I

Advocate-General.

5 and 6 Geo. 5, c. 61, sec. 114.
G.O. 13, Judicial, 8th January 1900.
G.O. 391, Judicial, 12th March 1900.

The Advocate-General is the principal Law officer and legal adviser of Government, and is appointed by His Majesty by Warrant under His Royal Sign Manual, initially for a period of five years. His tenure of appointment is terminable at any time thereafter by six months' notice in writing given by the Secretary of State.

Duties.

2. His duties include the following, viz:—

(i) to advise on legislative measures and rules and by-laws pending before the Local Government and on Bills of the Government of India sent to him for opinion;

(ii) to advise Government and Heads of Departments whenever required;

[*Note* (1).—The following Heads of Departments are entitled to seek the advice of the Advocate-General, and the other Law officers in the City, but Heads of Departments who desire to obtain the opinion of the Advocate-General should address Government in the administrative department concerned and not seek his advice directly :—

G.O. 1963, Law (General), 6th June 1928.
G.O. 4082, Law (General), 21st October 1929.

1. Secretaries to Government.
2. High Court.
3. The Administrator-General and Official Trustee, Madras.
4. The Inspector-General of Prisons.
5. The Inspector-General of Registration.
6. The Registrar-General of Births, Deaths and Marriages.
7. The Registrar of Joint Stock Companies.
8. The Director of Public Instruction.
9. The Secretary, Legislative Council.
10. The Chief Engineer (General, Roads and Buildings).
11. The Chief Engineer for Irrigation.
12. The Chief Engineer for Hydro-Electric Development.
13. The Engineer-in-Chief, Cauvery-Mettur Project.
14. The Commissioner of Labour.
15. The President, Board of Examiners.
16. The Inspector-General of Police.
17. The Deputy Inspector-General of Police (Railways and C.I.D.).
18. The Commissioner of Police.
19. The Director of Agriculture.
20. The Director of Veterinary Services.
21. The Registrar of Co-operative Societies.
22. The Chief Conservator of Forests.
23. The Director of Industries.
24. The Director of Fisheries.
25. The Surgeon-General.
26. The Director of Public Health.
27. The Examiner of Local Fund Accounts.
28. The Accountant-General.
29. The Presidency Port Officer.
30. The Right Reverend the Bishop of Madras.
31. The Presidency Senior Chaplain.
32. The Ven'ble the Archdeacon.
33. The Board of Revenue.
34. The Commissioner of Excise.]

G.Os. 1449-50, Judicial, 20th October 1908.

[*Note* 2.—If the opinion of the Advocate-General is required by the Military authorities, the case will be referred to him through the Government.]

G.O. 321, Judicial, 5th March 1909.
G.O. 626, Judicial, 12th April 1905.
G.O. 781, Judicial, 13th May 1905.
G.O. 1979, Judicial, 12th December 1896.

(iii) in the High Court to conduct and defend all civil suits and proceedings on behalf of or under instructions from the Government on the Original Side and all appeals filed against decrees or orders in such cases;

(iv) in the City Civil Court to conduct and defend all suits and proceedings in which the Government are a party if the Government Solicitor considers his appearance necessary;

[*Note.*—The Advocate-General will not ordinarily be allowed the assistance of a junior counsel; in special cases when this may be necessary, the previous sanction of Government must be obtained.]

G.O. 626, Judicial, 12th April 1905.
G.O. 1932, Judicial, 4th December 1901.
G.O. 2315, Home (Judicial), 9th October 1919.

(v) in the High Court to appear and conduct Sessions cases of importance which may be specially entrusted to him by the Government;

(vi) in the High Court to appear in references under section 66 of the Indian Income-tax Act, 1922;

(vii) in cases of special importance to conduct before the High Court either at the instance of the Government or the Government Solicitor appeals against the decrees of the Madras City Civil Court or against awards by the Chief Judge of the Presidency Court of Small Causes in land acquisition cases in which the Government are directly concerned;

(viii) when ordered by the Commissioners inquiring into an Election petition under Part VII of the Madras Electoral Rules or under Part VII of the Legislative Assembly Electoral Rules or under Part VII of the Council of State Electoral Rules, to attend and take such part in such inquiry as the Commissioners may direct;

(ix) to prepare detailed instructions for the Legal Adviser to the Secretary of State in the form of statements of law and facts in all appeals to the Privy Council in cases conducted by him in the High Court on behalf of Government.

G.O. 773, Home (Judicial), 20th March 1920.

(x) In every case conducted by him in civil courts in the Presidency town (namely, all suits and appeals and all applications for leave to appeal to the Privy Council) to which the Government are a party and in which the decision is adverse to Government, to apply to the Court on the very date of delivery of judgment for a copy of it and to forward such copy to Government without delay.

(xi) When forwarding a copy of the judgment to Government to inform them of the date before which further action, if any, should be taken.

(xii) To report to Government as soon as possible as to the advisability of appealing against the decision.

G.O. 1058, Revenue, 12th July 1923 and G.O. 1315, Revenue, 29th August 1923.

(xiii) To intimate to Government the filing of all suits and appeals in the civil courts in the Presidency town and of all applications for leave to appeal to the Privy Council to which Government are a party, and in which the Advocate-General is concerned promptly to report to Government the decisions, proceedings or orders of the courts in all such suits, appeals or applications with suggestions as to the further action to be taken on behalf of the Government and to intimate to Government, in the case of applications for leave to appeal to the Privy Council, progress at each stage up to the date of the submission of the records to the Privy Council when leave to appeal has been granted by the High Court.

G.O. 626, Judicial, 12th April 1905.

The Advocate-General has no primary responsibility in mufassal business, the duties having been specifically imposed on the Government Pleader and the Public Prosecutor, Madras. The Government Pleader and the Public Prosecutor, Madras, are regarded, however, as the Advocate-General's assistants for such business and they are entitled to receive from the Advocate-General, without extra remuneration, the Advocate-General's advice in all difficult cases which come within the purview of the Government Pleader and the Public Prosecutor and on which the Government Pleader and the Public Prosecutor may consult him. The Crown Prosecutor, Madras, is regarded as the assistant to the Advocate-General especially for the criminal work arising in the Madras City and is entitled to receive from the Advocate-General, without extra remuneration, the Advocate-General's advice in all difficult cases which come within the purview of the Crown Prosecutor and on which the Crown Prosecutor may consult him. The Advocate-General is entitled to call upon the Government Pleader, the Public Prosecutor and the Crown Prosecutor, Madras, to assist him similarly, without extra remuneration, in cases appertaining to their duties. Mufassal Government Pleaders and Public Prosecutors are not entitled to communicate with the Advocate-General except when so directed by the Government.

3. (1) The Advocate-General is debarred

(*a*) from advising or holding briefs against Government without their special permission;

(*b*) from defending accused persons in criminal prosecutions; and

(*c*) from giving advice to private parties in cases in which he is likely to be called on to advise Government.

[*Note.*—He himself will be the judge as to whether he can or cannot under this sub-rule advise on a question of law any private party who applies to him.]

(2) He should not accept appointment as a director in any company without the sanction of Government.

Special powers.
Section 333, Cr.P.C.
Section 194 *ibid.*

4. The following special powers are vested in him :—

(i) to withdraw from prosecutions in the High Court;

(ii) to exhibit informations to the High Court against persons subject to its jurisdiction;

Section 92, Act V of 1908.
Section 2, Act XXXIV of 1853.

(iii) to institute or permit the institution of suits relating to any public, religious or charitable trust;

(iv) to apply to the High Court for an order of enquiry as to whether any person alleged to be insane is or is not of unsound mind and incapable of managing his affairs; and

(v) generally to take on behalf of Government all such proceedings as may be taken by His Majesty's Attorney-General in England.

Salary and Fees.
G.O. 1291, Judicial, 16th June 1887.
G.O. 2032, Judicial, 6th September 1887.
G.O. 2757, Judicial, 5th December 1887.
G.O. 626, Judicial, 12th April 1905.
G.O. 2022, Judicial, 16th December 1905.
G.O. 695, Judicial, 29th April 1912.
G.O. 203, Judicial, 4th February 1910.
G.O. 626, Judicial, 12th April 1905.

5. (i) The salary of the office of Advocate-General is Rs. 1,800 per mensem.

(ii) In civil suits and proceedings in which he is instructed to appear for Government he will be allowed fees not exceeding the amount allowable on party and party taxation and these should be marked by the Government Solicitor in each case.

(iii) Except to give advice to the Government Pleader or the Public Prosecutor, Madras, at their request in difficult cases, the Advocate-General is not expected to advise on, appear in, or conduct any mufassal litigation, whether in the mufassal courts or in the High Court, without being paid a fee for his services.

(iv) When specially deputed by Government to conduct the prosecution in an original criminal case before the High Court, he may be paid such fees as the Government may fix.

G.O. 739, Finance, 1st September 1922.

(v) He has been declared eligible for travelling allowance at the rates laid down for officers in Grade I in Annexure I to the travelling allowance rules for journeys performed under the orders of Government. No daily allowance will, however, be given.

(vi) For the preparation of statements of law and facts in appeals to the Privy Council he will be paid such fees as the Government may fix in each case.

Establishment.
G.O. 942, Judicial, 9th June 1905.
G.O. 849, Law (General), 16th July 1921.

6. There is a separate establishment for the Advocate-General.

II

Government Pleader.

Duties.
G.O. 1291, Judicial, 16th June 1887.
G.O. 2031, Judicial, 6th September 1887.
G.O. 626, Judicial, 12th April 1905.
G.O. 1861, Home (Judicial), 19th August 1919.

The Government Pleader, Madras, is regarded as the Assistant to the Advocate General, especially for mufassal business, and in cases of difficulty may apply to that officer for advice. In turn, he shall assist the Advocate-General whenever in cases appertaining to his duties he is required to do so. His duties are :—

(1) (*a*) to conduct and defend civil appeals or other proceedings on the Appellate Side of the High Court in which Government are concerned;

(*b*) to appear, when so instructed, in all suits, appeals or other proceedings of a civil nature instituted in the High Court, the City Civil Court or the Presidency Court of Small Causes, Madras, by or against members of the police force in their official capacity;

G.O. 1979, Judicial, 12th December 1896.

(2) to conduct and defend suits in the City Civil Court in which the Government are concerned when the Government Solicitor considers his assistance necessary;

(3) to advise Government, the Board of Revenue and Heads of Departments and District Officers, in cases of difficulty, in regard to the institution, defence and conduct of suits or other civil proceedings in which the Government are concerned or interested instituted before subordinate courts and, in suits of more than ordinary importance, to revise and settle the pleadings; and, when specially deputed by Government, to proceed to the mufassal and conduct such suits or proceedings personally;

G.O. 1449, Judicial, 20th October 1908.

(4) to advise the Officer Commanding the Madras District on any points on which his opinion may be sought;

G.O. 747, Judicial, 30th March 1914.
G.O. 1120, Judicial, 20th May 1915.

(5) to appear on appeal to the High Court in cases connected with the acquisition of land in Madras City under section 50 (1) of the Land Acquisition Act, 1894, on behalf of a local authority or company. He will be instructed by the Government Solicitor in cases where the latter has appeared before the court of reference;

G.O. 2315, Home (Judicial), 9th October 1919.

(6) to conduct before the High Court appeals against the decrees of the Madras City Civil Court and against awards of the Chief Judge of the Presidency Court of Small Causes in land acquisition cases in which the Government are directly concerned. In these cases the Government Pleader will be instructed by the Government Solicitor;

(7) to prepare detailed instructions for the Legal Adviser to the Secretary of State in the form of statements of law and facts in all appeals to the Privy Council in cases conducted by him in the High Court on behalf of Government.

(8) To report to Government on the day the judgment is pronounced the decision in every civil suit conducted by him on the appellate side of the High Court.

G.O. 773, Home (Judicial), 20th March 1920.

(9) In every case conducted by him in civil courts in the Presidency town (namely, all suits and appeals and all applications for leave to appeal to the Privy Council) to which the Government are a party and in which the decision is adverse to Government, to apply to the Court on the very date of delivery of judgment for a copy of it and to forward such copy to Government without delay.

(10) When forwarding a copy of the judgment to Government to inform them of the date before which further action, if any, should be taken.

(11) To report to Government as soon as possible as to the advisability of appealing against the decision.

G.O. 1058, Revenue, 12th July 1923 and G.O. 1315, Revenue, 29th August 1923.

(12) To intimate to Government the filing of all suits and appeals in the civil courts in the Presidency town and of all applications for leave to appeal to the Privy Council to which Government are a party and to which the Government Pleader is concerned, promptly to report to Government the decision, proceedings or orders of the courts in all such suits, appeals or applications with suggestions as to the further action to be taken on behalf of the Government and to intimate to Government in the case of applications for leave to appeal to the Privy Council, progress at each stage up to the date of submission of the records to the Privy Council when leave to appeal has been granted by the High Court.

G.O. 2032, Judicial, 6th September 1887.
G.O. 1807, Judicial, 18th July 1916.
G.O 1613, Home (Judicial), 16th July 1919.

2. The salary of the Government Pleader is Rs. 350 per mensem.

G.O. 1215, Judicial, 30th August 1900.
G.O. 628, Judicial, 6th April 1889.
G.O. 502, Judicial, 6th April 1897.

3. (1) The Government Pleader is debarred

(*a*) from advising or holding briefs against Government in civil suits or proceedings without their special permission, and

(*b*) from giving advice to private parties in cases in which he is likely to be called on to advise Government.

[*Note.*—He himself will be the judge as to whether he can or cannot under this sub-rule advise on a question of law any private party who applies to him.]

(2) He should not accept appointment as a director in any company without the sanction of Government.

G.O. 1622, Law (General), 17th May 1924.

4. (1) In civil suits or proceedings he is entitled to the regulation fee or to a minimum fee of Rs. 30 for each case, if the regulation fee falls below that sum. But the said rule will not apply to each of a number of connected cases when the result is virtually determined by the issue of a single case. In regard to such connected cases he will be paid (i) the regulation fee due for the case for which the highest regulation fee is payable or a fee of Rs. 30 for the same if the regulation fee falls below that sum and (ii) a fee of Rs. 30 for each of the remaining cases, irrespective of the regulation fee. In exceptional cases, whether single or connected, the Government may pay a higher rate than a minimum fee of Rs. 30 per case after having due regard to the difficulty and labour involved in the preparation and conduct thereof.

G.O. 747, Judicial, 30th March 1914.
G.O. 1120, Judicial, 20th May 1915.

(2) In cases coming under rule 1 (5) the Government Pleader, if instructed by the Government Solicitor, will share the fees in the proportion of two-thirds to himself and one-third to the Government Solicitor.

G.O. 2315, Home (Judicial), 6th October 1919.

(3) In cases coming under rule 1 (6) the Government Pleader is entitled to two-thirds of the regulation fee subject to a minimum fee of of Rs. 30 in each case.

G.O. 1563, Judicial, 6th August 1891.
G.O. 739, Finance, 1st September 1922.

(4) When directed to appear on behalf of Government in mufassal courts, he is paid a fee of Rs. 175 per diem for the period of his necessary absence from Madras. He has been declared eligible for travelling allowance at the rates laid down for officers in Grade I in Annexure I to the travelling allowance rules for journeys performed under the orders of Government. No fee is claimable as a rule for Sundays and holidays and no daily allowance will be given.

G.O. 1613, Home (Judicial), 16th July 1919.

(5) For the preparation of statements of law and facts in appeals to the Privy Council he will be paid such fees as the Government may fix in each case.

G.O. 1345, Law (General), 8th September 1921.

5. The Government Pleader has a separate clerical establishment.

III

Public Prosecutor.

G.O. 1861, Home (Judicial), 19th August 1919.
Section 492, Cr.P.C.

The Public Prosecutor, Madras, is appointed for the Presidency of Madras outside the limits of the City of Madras. He is regarded as the Assistant to the Advocate-General, especially for mufassal business and in cases of difficulty may apply to that officer for advice. In turn, he shall advise the Advocate-General whenever in cases appertaining to his duties he is required to do so.

Duties.

2. His duties are—

G.O. 3273, Judicial, 17th December 1884.
G.O. 2466, Judicial, 16th September 1885.
G.O. 1244, Judicial, 9th July 1874.
G.O. 845, Judicial, 19th May 1869.
G.O. 2004, Judicial, 17th December 1869.
G.O. 522, Judicial, 1st April 1873.
G.O. 692, Judicial, 2nd May 1873.
Letter to India, 1342, Judicial, 22nd July 1874.
G.O. 205, Judicial, 7th February 1900.
G.O. 1388, Judicial, 25th September 1900.
G.O. 2077, Judicial, 13th December 1907.
G.O. 1752, Judicial, 26th July 1877.
Section 417, Cr.P.C.
G.O. 80, Judicial, 22nd January 1890.

(1) to appear for the Crown in all cases referred to the High Court for confirmation of a capital sentence when instructed to do so by the High Court or (in cases of appeal by the prisoner) by the District Magistrate;

(2) in other criminal appeals before the High Court, to appear in support of the conviction when directed to do so by Government, or by the District Magistrate, or when the High Court desire to hear counsel for the prosecution;

[*Note.*—The Public Prosecutor should only be instructed by District Magistrates to appear when they are satisfied that his appearance is necessary or when the High Court has directed notice to issue to the Public Prosecutor. In cases of applications for bail, he should not ordinarily be instructed to appear.]

G.O. 215, Judicial, 8th February 1890.
G.O. 341, Judicial, 8th February 1886.
Letter to India, 1342, Judicial, 22nd July 1874.
G.O. 2855, Judicial, 4th December 1877.
G.O. 1388, Judicial, 25th September 1900.
G.O. 14, Judicial 4th January 1905.
G.O. 251, Judicial, 11th February 1889.

(3) to present appeals or revision petitions against orders of acquittal or conviction or discharge when directed to do so by the Government;

[*Note.*—The Government consider it inexpedient that the Public Prosecutor should allow himself to be moved by private party to recommend an appeal against an acquittal.]

(4) to appear (*a*) at the request of District Magistrates in all difficult and important cases referred by them or by Sessions Judges to the High Court under section 438 of the Criminal Procedure Code, (*b*) in all cases in which the High Court has directed notice to issue to the Public Prosecutor, and (*c*) in all references under section 307, Criminal Procedure Code;

[*Note.*—The Public Prosecutor should enter appearance, without waiting for instructions from District Magistrates, in all cases under (*b*) and (*c*).]

(5) when specially deputed by Government, to proceed to mufassal stations and appear for the Crown in criminal cases.

G.O. 1572, Judicial, 29th August 1892.

3. (1) The Public Prosecutor is debarred

(*a*) from advising or holding briefs against Government without their special permission in criminal matters except those arising in the City of Madras;

(*b*) from defending accused persons in criminal prosecutions without the special permission of Government; and

(*c*) from giving advice to private parties in cases in which he is likely to be called on to advise Government.

[*Note.*—He himself will be the judge as to whether he can or cannot under this sub-rule advise on a question of law any private party who applies to him.]

(2) He should not accept appointment as a director in any company without the sanction of Government.

Salary.
G.O. 1613, Home (Judicial), 16th July 1919.

4. The salary of the Public Prosecutor is Rs. 500 per mensem.

Fees.
G.O. 2004, Judicial, 17th December 1869.
G.O. 522, Judicial, 1st April 1873.
G.O. 707, Judicial, 6th May 1873.
G.O. 1593, Revenue, 20th November 1872.
G.O. 14, Judicial, 4th January 1905.
G.O. 205, Judicial, 7th February 1900.
G.O. 1215, Judicial, 30th August 1900.
G.O. 732, Judicial, 2nd May 1904.
G.O. 1563, Judicial, 6th August 1891.
G.O. 1622, Law (General), 17th May 1924.
G.O. 739, Finance, 1st September 1922.
G.O. 182, Finance, 23rd February 1923.
G.O. 1613, Home (Judicial), 16th July 1910.
G.O. 584, Law (General), 14th June 1921.

5. (i) The Public Prosecutor is allowed a fee of Rs. 30 for appearance before the High Court in each criminal case. He is also allowed an additional fee of Rs. 20 in each case on the file of the High Court which is referred to a third Judge for decision under section 429 of the Code of Criminal Procedure. In the cases referred to in clauses (*b*) and (*c*) of rule 2 (4) if he obtains the instructions of the District Magistrate in sufficient time to enable him to argue the case when it comes on for hearing in the High Court and appears in Court accordingly at the hearing, he will draw his usual fee of Rs. 30, but if he does not so appear, his fee will be limited to Rs. 15.

[*Note* 1.—Appeals presented by several accused persons against the same judgment, whether such appeals are lodged jointly or separately, should be treated, for the purpose of calculating fees, as a single case.

2.—The Government will be prepared to grant a special fee for exceptionally difficult and protracted cases.]

(ii) When directed to appear on behalf of Government in mufassal courts, he is paid a fee of Rs. 175 *per diem* for the period of his necessary absence from Madras. He has been declared eligible for travelling allowance for such journeys at the rates laid down for officers in grade I in Annexure I to the Travelling Allowance Rules. No fee is claimable, as a rule, for Sundays and holidays, and no daily allowance will be given.

6. The Public Prosecutor has a separate establishment.

IV

Crown Prosecutor.

Duties.
G.O. 576, Judicial, 31st March 1874.
G.O. 834, Judicial, 2nd April 1877.
G.O. 1055, Judicial, 26th April 1877.
G.O. 1291, Judicial, 16th June 1887.

The Crown Prosecutor is Public Prosecutor for the Town of Madras. He is regarded as the Assistant to the Advocate-General in all criminal matters or cases arising in the Madras City and in cases of difficulty may apply to that officer for advice. He is bound to assist him whenever required in cases appertaining to his duties. His duties are—

G.O. 2083, Judicial, 15th December 1906.

(1) to conduct the prosecution in all cases before the Presidency Magistrates in which the prosecution is instituted or carried on by, or under the orders, or with the sanction of, the Government, the Government Solicitor furnishing him with the necessary brief in every such case;

G.O. 1291, Judicial, 16th June 1887.

(2) to conduct, at the request of the Inspector-General of Police, the prosecution in cases in the Madras City Police Courts where the prosecuting agency at the disposal of the Inspector-General of Police is inadequate or unsuitable;

G.O. 2032, Judicial, 6th September 1887.

(3) to conduct prosecution in all cases committed for trial at the Sessions of the High Court;

Section 422, Cr.P.C.

(4) when directed by Government, to present appeals to the High Court under section 417 of the Code of Criminal Procedure from orders of Presidency Magistrates directing the acquittal, dismissal or discharge of accused persons;

(5) to appear before the High Court in support of the prosecution in appeals preferred by persons convicted by the Presidency Magistrates when the prosecution was conducted by himself as Crown Prosecutor, and when the persons so convicted appeal by counsel and the High Court think it expedient that the conviction should be supported by counsel;

G.O. 182, Judicial, 4th February 1902.
G.O. 1527, Judicial, 12th November 1909.

[*Note.*—Under section 422 of the Code of Criminal Procedure, the Crown Prosecutor has been appointed to be the officer to whom notices of appeal to the High Court from the judgments or orders of Presidency Magistrates shall be given.

Ordinarily the Crown Prosecutor should use his discretion in deciding whether he should appear in support of the conviction in each case. If, however, the prosecution has been represented in the lower court by other counsel or has engaged counsel to appear before the High Court in support of the conviction, the orders of Government should be obtained before the Crown Prosecutor appears in appeal.]

Section 526, Cr.P.C.

(6) if so instructed by the Presidency Magistrate, to appear before the High Court upon the hearing of applications for the transfer to itself of cases from the Courts of Presidency Magistrates;

G.O. 1293, Judicial, 28th September 1909.

(7) when so instructed by the Government Solicitor, to appear on behalf of Government in the Courts of Presidency Magistrates at Madras under section 505 (2) of the Code of Criminal Procedure in connexion with commissions for the examination of witnesses issued by other courts under Chapter XL of the Code;

G.O. 1240, Judicial, 15th September 1909.

(8) when instructed by the Chief Presidency Magistrate, to move the High Court to revise the decisions or orders of other Presidency Magistrates; and

G.O. 3150, Judicial, 15th December 1915.
G.O. 2511, Home (Judicial), 30th October 1919.

(9) to appear in every petition or appeal in the High Court on notice sent to him by the High Court or under the orders of Government or of the Commissioner of Police for the City of Madras.

2. (1) The Crown Prosecutor is debarred

G.O. 1572, Judicial, 29th August 1892.

(*a*) from defending accused persons in cases arising within the City of Madras or tried by the Presidency Magistrates; or from appearing against the Crown on the appellate or revisional side of the High Court against any conviction or sentence by a Presidency Magistrate except with the permission or under the orders of Government; and

(*b*) from giving advice to private parties in cases in which he is likely to be called on to advise Government.

[*Note.*—He himself will be the judge as to whether he can or cannot under this sub-rule advise on a question of law any private party who applies to him.]

(2) He should not accept appointment as a director in any company without the sanction of Government.

Salary.

G.O. 576, Judicial, 31st March 1874.
G.O. 811, Law (General), 9th July 1921.

3. The salary of the Crown Prosecutor is Rs. 500 per mensem. He has a separate clerical establishment.

Fees.

G.O. 1055, Judicial, 26th April 1877.
G.O. 1384, Judicial, 7th October 1908.
G.O. 3150, Judicial, 15th December 1915.
G.O. 2511, Law (General), 30th October 1919.
G.O. 1622, Law (General), 17th May 1924.

4. (*a*) He is allowed a fee of Rs. 30 for every appeal in which he appears before the High Court in support of a conviction passed by a Presidency Magistrate or against an acquittal and for every application for transfer to the High Court in which he appears.

(*b*) He is also allowed an additional fee of Rs. 20 in each case on the file of the High Court which is referred to a third Judge for decision under section 429 of the Code of Criminal Procedure.

(*c*) In cases referred to in rule 1 (8) and (9) he will be permitted to draw a fee of Rs. 30 for every petition or appeal.

V

Government Solicitor.

Duties—Civil.

Cir. Memo. 62, Judicial, 21st Jauuary 1882.
G.O. 1291, Judicial, 16th June 1887.

The Government Solicitor is the standing Solicitor of Government, the Advocate-General and the Government Pleader being the standing counsel, and is bound to undertake all the duties of solicitor to client. His chief duties are—

G.O. 2032, Judicial, 6th September 1887.

(1) to advise Government and Heads of Departments in matters on which the opinion of the Advocate-General is not required;

G.O. 1449, Judicial, 20th October 1908.

(2) to advise the Officer Commanding the Madras district on any point on which his opinion may be sought;

(3) to obtain the Advocate-General's opinion when required; and to prepare the necessary brief before submitting a case to the Advocate-General for such opinion;

(4) to act as the channel of communication between the Advocate-General and Government;

G.O. 1537, Judicial, 18th September 1862.
G.O. 167, Judicial, 28th January 1910.

(5) to receive process in civil suits instituted before the Original Side of the High Court and the Madras City Civil Court in which Government are a party;

(6) to instruct the Advocate-General in suits and appeals before the High Court in which he is required to appear on behalf of Government;

(7) to conduct and defend suits before the Presidency Court of Small Causes on behalf of Government;

G.O. 1979, Judicial, 12th December 1896.

(8) to conduct and defend suits in the City Civil Court in which the Government are concerned and to instruct the Advocate-General or the Government Pleader in such suits whenever necessary;

(9) to prepare and revise tenders, conveyances, leases, security and indemnity bonds, contracts, etc., for the several departments of Government; to scrutinize applications for permission to register companies with limited liability under the Indian Companies Act, 1913, and, when required, to draw up plaints and written statements in the civil suits in which Government are concerned;

G.O. 751, Judicial, 20th May 1901.
G.O. 1622, Judicial, 2nd August 1895.

(10) to conduct inquiries into applications by parties to sue *in forma pauperis*;

G.O. 419, Marine, 19th September 1884.

(11) to conduct the case on behalf of Government in all inquiries held at the Presidency town under the Indian Merchant Shipping Act;

G.O. 6, Marine, 8th January 1892.

[*Note.*—The Presidency Port Officer will instruct the Government Solicitor when Marine Courts of Enquiry are assembled at the Presidency town.]

G.O. 1537, Judicial, 18th September 1862.
G.O. 308, 21st February 1902.

(12) (1) to call upon parties in the Presidency town to file balance sheets and other documents required under the Indian Companies Act and to prosecute in cases of default;

G.O. 4918, Law (General), 18th December 1929.

(2) to appear on behalf of the Registrar and Assistant-Registrars of Joint Stock Companies in cases falling under section 247 (6) of the Indian Companies Act, 1913;

G.O. 1631, Judicial, 12th December 1872.
G.O. 1706, Judicial, 31st December 1872.
G.O. 2032, Judicial, 6th September 1887.

(13) to appear in appeals preferred against municipal assessment on Government buildings and in cases preferred to the Court by the Collector of Madras under section 18 of the Land Acquisition Act, 1894;

(14) to advise Government on Bills of the Government of India or Local Government sent to him for his opinion;

G.O. 1212, Judicial, 11th August 1910.

(15) to appear before the Presidency Court of Small Causes for the examination of witnesses in that court on commission in Government suits on the file of mufassal civil courts; and

G.O. 747, Judicial, 30th March 1914.

(16) to conduct cases connected with acquisition of land in the City of Madras on behalf of a local authority or company when a reference to court is made.

(17) To report to Government on the day the judgment is pronounced the decision in every civil suit conducted by the Advocate-General on the Appellate Side of the High Court.

G.O. 773, Home (Judicial), 20th March 1920.

(18) To report to Government the result of civil suits conducted by the Advocate-General on the Original Side of the High Court in the City Civil Court and in the Presidency Court of Small Causes.

(19) In every case conducted by him in which the decision in a suit to which the Government are a party is adverse to Government to apply to the court on the very date of delivery of judgment for a copy of it and to forward such copy to Government without delay.

(20) When forwarding a copy of the judgment to Government to inform them of the date before which further action, if any, should be taken.

(21) To report to Government, as soon as possible, as to the advisability of appealing against the decision.

Criminal.

G.O. 834, Judicial, 2nd April 1877.
G.O. 1401, Home (Judicial), 7th June 1920.

2. The Government Solicitor's duties, in connexion with criminal work, are—

G O. 2083, Judicial, 15th December 1906.

(1) to furnish the Crown Prosecutor with briefs in cases in which he has to appear before the Presidency Magistrates or other courts in the Presidency town;

G.O. 1817, Judicial, 30th November 1868.
Letter to India, 1342, Judicial, 22nd July 1874.

(2) to advise the Inspector-General of Police, on his application, in important criminal cases arising in the City of Madras. The Government Solicitor may consult the Crown Prosecutor in such cases when he considers it necessary; and

(3) when consulted by heads of departments as to the advisability of criminal prosecutions, to examine and review the evidence, to advise that the prosecution be abandoned if there is no case, to lay the papers before counsel if there is doubt in the matter, and finally to instruct counsel if a prosecution be determined on.

G.O. 1572, Judicial, 29th August 1892.

3. (1) The Government Solicitor is debarred—

(*a*) from advising or holding briefs against Government without their special permission;

(*b*) from defending accused persons in criminal prosecutions; and

(*c*) from giving advice to private parties in cases in which he is likely to be called on to advise Government.

[*Note.*—He himself will be the judge as to whether he can or cannot under this sub-rule advise on a question of law any private party who applies to him.]

(2) He should not accept appointment as a director in any company without the sanction of Government.

Salary.

G.O. 626, Financial, 25th September 1896.

4. The salary of the Government Solicitor is Rs. 1,100 per mensem. He pays his establishment out of this sum.

Fees.

G.O. 2032, Judicial, 6th September 1887.
G.O. 2757, Judicial, 5th December 1887.
G.O. 1471, Judicial, 2nd November 1859.

5. (*a*) The Government Solicitor is entitled to charge fees for professional work in briefing counsel, attendance in court or chambers and such other well-defined duties of solicitor to client except clerical and other routine work.

For the purposes of this rule items 1 to 11, 23, 26 to 36, 56 to 71 and 84 to 89 of Appendix IV of High Court Fees Rules shall be deemed to be duties of a clerical or routine nature.

But if for such clerical and other routine work he actually recovers any costs from the opposite side, he may retain them subject to the condition that he shall be liable to refund the same in case the original order as to costs is reversed on appeal.

G.O. 1796, Home (Judicial), 29th August 1917.

(*b*) In suits which are compromised before final decision by the Court, the Government Solicitor is entitled to full fees when the compromise agreement provides for the payment of the costs of the Government by the opposite party and to half fees when no such provision is made in the compromise.

G.O. 747, Judicial, 30th March 1914.
G.O. 1252, Judicial, 7th June 1915.

(*c*) In cases connected with acquisition of land on behalf of a local authority or company, the Government Solicitor is entitled to the regulation fee on the value of the claim as taken by the court for the purpose of taxation of costs and allowance of pleader's fees.

G.O. 1120, Judicial, 20th May 1915.

In cases where the Government Pleader appears before the High Court, instructed by the Government Solicitor, the fees shall be shared in the proportion of two-thirds to the Government Pleader and one-third to the Government Solicitor.

G.O. 1875, Home (Judicial), 2nd August 1920.

(*d*) He is entitled to fees when he is required to brief the Crown Prosecutor for appearances before courts in the Presidency town.

Letter to India, 257, Judicial, 29th February 1872.
G.O. 2945, Judicial, 18th December 1877.
Letter to India, 266, 7th February 1878.
G.O. Mis. 1310, Judicial, 16th September 1882.
G.O. 1404, Judicial, 25th September 1882.
G.O. 2022, Judicial, 16th December 1905.
G.O. 3514, Revenue, 21st December 1909.
G.O. 203, Judicial, 4th February 1910.
G.O. 2914, Judicial, 30th November 1915.
G.O. 1128, Education, 21st December 1912.
G.O. 1324, Education, 23rd October 1917.
G.O. 192, Education, 15th February 1918.

G.O. 1139, Home (Judicial), 14th May 1918.
G.O. 2681, Home (Judicial), 2nd December 1915.
G.O. 404, Financial, 23rd May 1919.

G.O. 1702, Law (General), 25th May 1925.

6. (*a*) In cases where the Government require the Government Solicitor to prepare or scrutinize deeds, conveyances, leases, bonds of indemnity, etc., executed between themselves and a third party, he will be paid a fee if the cost of preparation of the instrument properly falls upon and is paid by or levied from the third party except when such payment by the third party is waived by the Government. The fee, when due, will be recovered from the third party liable by the Government, but if, for any reason, the fee or any part thereof is waived or irrecoverable, the Government shall not be bound to make good the amount to the Government Solicitor.

The amount of fee payable shall be fixed by the Government and shall in no single case exceed Rs. 50.

[*Note.*—In cases where there is a large number of documents similar in character the fee on each such document need not be the maximum allowable.]

(*b*) In cases of examination of titles and settlement of mortgages in connexion with building grants sanctioned for educational institutions he is entitled to charge fees not exceeding one per cent of the amount of the grant.

(*c*) In cases of examination of titles and settlement of mortgages in connexion with advances applied for by Government servants for the purpose of building or purchasing houses, he is entitled to charge fees not exceeding one per cent of the amount of advance subject to a minimum of Rs. 30 in each case.

7. The fee to be paid to the Government Solicitor for attendance in courts other than the High Court in the Presidency town in connexion with cases in which he is requested to brief the Crown Prosecutor will be regulated as follows:—

	Rs.
For attendance in Court on days on which the case is posted to be heard but not reached	5 per diem.
For attendance in Court when the case is heard or tried	40 „

VI

General.

Letter to India, 1817, Judicial, 7th September 1878.
G.O. 1035, Public, 13th August 1898.
G.O. 1741, Judicial, 23rd November 1900.
G.O. 2429, Home (Judicial), 31st October 1918.
G.O. 2710, Judicial, 7th October 1885.

The following duties have been imposed on all Law officers of Government by the Government of India:—

To transact Government business of all kinds and in all departments, whether such departments are under the Central Government or any of the Local Governments; and

to assist the High Court, when required by the Honourable the Chief Justice, in cases of special importance or difficulty, on occasions of inquiries made by the court into the conduct of legal practitioners.

2. (*a*) The Warrant of Appointment of the Advocate-General fixes the term of his service at five years, after completion of which his service may be terminated at any time on six months' notice.

G.O. 1496, Judicial, 20th September 1912.

(*b*) In the case of other Law officers their services may be terminated on six months 'notice and will terminate automatically, unless Government specially order otherwise, on the attainment of sixty years of age.

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 4123 Ec/
178/1932.

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FROM

Captain G. Kirkbride, I.A.,
SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Collector and District Magistrate,
Civil and Military Station, Bangalore.

Dated Bangalore, 23rd June, *1932.*

Subject.

10 per cent cut in pay etc., - Retaining fee etc. payable to the Public Prosecutor and Government Pleader.

SIR,

S.1 With reference to your letter No.2135-A-32, dated the 6th June, 1932, I am directed to forward a copy of a letter S.4 No.2721-B-1, dated the 6th June, 1932, from the Secretary to the Government of Madras, Law (General) Department and to state that the retaining fee of Rs.50/- per mensem paid to the Public Prosecutor and Government Pleader, Bangalore, should be reduced temporarily by ten per cent subject to the same terms and conditions and for the same period as are operative in the case of Government servants under the notification of the Government of India, Home Department No.F. S.1/13 4.9.1932 414/8/31, dated the 28th December, 1931.

2. In accordance with the instructions contained in S.5/a 692-1931 letter No.5253-R.I., dated the 18th December, 1931, from the Government of India, Finance Department, I am to request that you will be so good as to take into account the present financial conditions in fixing the non-recurring honoraria to the Public Prosecutor under the orders contained in the

proceedings

S.80
55-1886

proceedings of the Hon'ble the Resident No.1116, dated the 7th February, 1923.

I have the honour to be,
Sir,
Your most obedient servant,

o/c

Captain,
SECRETARY TO THE RESIDENT.

S. 2

Copy forwarded to the Accountant-General, Madras, with reference to his letter No.T.13-Bang.594, dated the 25th April, 1932, with the intimation that, as the Government of Madras have not made any reduction in the non-recurring honoraria payable to Law Officers, the Hon'ble the Resident considers that there is no necessity at present to revise the scale here. The District Magistrate has, however, been requested to take into account the present financial conditions in fixing the non-recurring honoraria in future.

MVS.